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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR 02-40190-CW
)	CR 02-40176-CW
12 Plaintiff,)	CR 09-0835-CW
)	
13 vs.)	STIPULATION TO CONTINUE;
)	PROPOSED ORDERING CONTINUING
14 JOHN BENNETT CULLUM,)	CASE AND EXCLUDING TIME UNDER
)	THE SPEEDY TRIAL ACT
15 Defendant.)	
)	

16
17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the
18 STATUS HEARING date of January 15, 2010 presently scheduled at 10:00 a.m., before the
19 Honorable Laurel Beeler, be vacated and re-set for February 1, 2010 at 10:00 a.m. for
20 TRIAL OR MOTIONS SETTING OR DISPOSITION HEARING.

21 The reason for this request is that defense counsel needs additional time to review
22 discovery, investigate, and discuss this case with Mr. Cullum. Additionally, new government
23 counsel is taking over the case. The Probation Office has been contacted. The assigned
24 Officer Jennifer James, will be out of the office until January 12, 2010, so her position cannot
25 be stated. However, if the new date presents a conflict for her, the parties will request a new
26 date.

1 The parties agree and stipulate that the time until February 1, 2010 should be excluded,
2 under 18 U.S.C. §3161(H)(7)(A) because the ends of justice served by the granting of the
3 continuance outweigh the best interests of the public and the defendant in a speedy and public
4 trial. The continuance is necessary to accommodate counsel's preparation efforts.

5 Date 1/8/09 /s/
6 John Paul Reichmuth
7 Assistant Federal Public Defender
8 Counsel for defendant CULLUM

9 Date 1/8/09 /s/
10 Katherine Dowling
11 Assistant United States Attorney

12 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

13 /S/ John Paul Reichmuth
14 Counsel for Defendant Cullum

ORDER

The court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to February 1, 2010 at 10:00 a.m. before Hon. Laurel Beeler, United States Magistrate Judge, and that time is excluded from January 15, 2010 to February 1, 2010 pursuant to 18 U.S.C. §§3161(h)(7)(A).

It is further ORDERED, based on exceptional circumstances, that the parties may enter a change of plea before the United States Magistrate Judge.

IT IS SO ORDERED.

January 12, 2010

Date

/s/ Laurel Beeler

~~HON. CLAUDIA WILKEN~~ LAUREL BEELER
UNITED STATES ~~DISTRICT JUDGE~~
MAGISTRATE JUDGE